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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/026,624 | 12/27/2001 | Naoki Tsunoda | 217548US2 | 9054 |

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| EXAMINER | |
|---|---|
| DURNFORD-GESZVAIN, DILLON | |
| **ART UNIT** | **PAPER NUMBER** |
| 2622 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | NOTIFICATION DATE | DELIVERY MODE |
|---|---|---|
| 3 MONTHS | 03/09/2007 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/09/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/026,624 | TSUNODA, NAOKI | |
| | Examiner | Art Unit | |
| | Dillon Durnford-Geszvain | 2622 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *09 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-4,6-8 and 10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-8 and 10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1. Claims **1-4, 6-8** and **10** are pending, claim **1** has been amended and claims **5** and **9** have been cancelled.

### *Response to Arguments*

2. Applicant's arguments with respect to claim **1** have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

3. Claims **1, 3, 4, 6** and **7** are rejected under 35 U.S.C. 103(a) as being unpatentable over English translation of JP 2000-287110 (Tsunoda) in view of US 6,738,075 (Torres et al.).

As to claim **1**, Tsunoda teaches a digital camera device, which has functions for creating an HTML document file from a picked-up image for taking out the HTML document file through a media and communication, comprising: a unit which preliminarily registers a template in HTML format for creating an HTML file in the digital camera device ([0019] lines 5-7); a unit which uses a tag exclusively used for inserting a file of a picked up image ([0016] lines 1-8); a unit which automatically generates HTML codes by inserting the image file in accordance with said tag ([0016] lines 1-8); a unit which, each time an HTML file is created, automatically forms a new directory to register

the HTML file therein ([0016] lines 1-8); a unit which, each time a picked-up image is linked to an HTML file, forms an image with a thumb-nail image size from the picked-up image in accordance with the exclusively-used tag and registers this in the same directory as the HTML file is registered ([0016] lines 1-8); a unit which displays the image with the thumb-nail size on HTML codes with a link to the corresponding original picked-up image being pasted thereon (0018] lines 1-5); a unit which, each time a picked-up image is linked to an HTML document, determines as to whether or not a sound relation file is attached to the picked up image ([0016] lines 4-5); a unit which displays the HTML document drafting template registered in the digital camera device by using a dummy image file ([0049] lines 6-8); and a unit which resets the exclusively-used tag section while displaying the HTML document drafting template ([0051] lines 2-4).

What Tsunoda does not explicitly teach is showing an icon to indicate the existence of a sound file and linking that icon to the sound file. However, Torres et al. teaches a device that displays a page of thumbnail images that represent images stored on the device wherein if an image has an associated sound file it displays an icon indicating such next to the thumbnail of the associated image file (Figs. 3 and 4a). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used this format in the HTML file of Tsunoda as this provides information on any files associated with the image allowing a user to instantly asses whether any files are associated with the image represented by the thumbnail displayed on the page.

What none of the cited references teach explicitly is linking the icon to the sound file associated with the image represented by the thumbnail. However, the Examiner takes Official Notice that it is old and well known to link an icon displayed in an HTML document representing audio data to the sound file associated with it. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have linked the icon of the device taught by Tsunoda in view of Torres et al. as this would allow the sound file to be played through a web browser or the like.

As Applicant has failed to traverse the above old and well known statements of claim **1**, the linking of a sound icon to the sound file associated with it is now considered admitted prior art. See MPEP 2144.03 (c).

As to claim **3**, see the rejection of claim **1**, and note that what Tsunoda and Torres et al. teach has been discussed above. What neither teaches is the use of custom tags. However, the Examiner takes Official Notice that the use of custom tags was old and well known in the art at the time the invention was made. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a custom tag for inserting an image into an HTML file as taught by Tsunoda as this would allow the tag to be customized to the specific application that it is currently being used in. For example, in the instant case the custom tag allows the camera to add specific information that the general tag would not be configured to add.

Note that the above rejection was made in light of the Examiners best understanding of the limitations in the claim.

As applicant has failed to traverse the above old and well known statements of claim **3**, the use of custom tags are now considered admitted prior art. See MPEP 2144. 03 (c).

As to claim **4**, see the rejection of claim **1**, and note that Tsunoda and Torres et al. have been discussed above. What neither teaches is automatically transferring operation to an exclusively used tag from a general use tag. However, the Examiner takes Official Notice that the use of Custom tags was old and well known in the art at the time the invention was made. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used an exclusive tag to link to the images from the HTML file as this would allow specific information to be associated with the image according to what template was being run which would allow the templates to be tailored to specific uses such as for use by a real estate agent or insurance adjustor and would attach different information for each use.

Note that the above rejection was made in light of the Examiners best understanding of the limitations in the claim.

As applicant has failed to traverse the above old and well known statements of claim **4**, the use of custom tags are now considered admitted prior art. See MPEP 2144. 03 (c).

As to claim **6**, see the rejection of claim **1** and note that the Examiner takes official notice that the process of converting portions of an HTML code that one does not

wish to use to comments and vice versa is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have performed this "editing" function on the template taught by Tsunoda as this would be an efficient way to add or subtract features from the template without having to load an entirely new template.

As applicant has failed to traverse the above old and well known statements of claim **6**, the use of comments to edit an HTML script are now considered admitted prior art. See MPEP 2144. 03 (c).

As to claim **7**, see the rejection of claim **1** and note that Tsunoda further teaches a digital camera device which each time a picked-up image is linked to an HTML document, displays the size of the image file thus linked ([0016] lines 1-8). As to displaying the total size of image files that have been linked before, this would have been considered by Tsunoda as it is common to display the total size of a file or transfer so as to alert the user of the size of the impending transfer.

As for a unit that enables to connect or disconnect the link of the original picked-up image to or from an image with a thumb-nail size on HTML document, Tsunoda teaches editing of the files already in the HTML file ([0016] lines 11-16).

4. Claim **2** is rejected under 35 U.S.C. 103(a) as being unpatentable over English translation of JP 2000-287110 (Tsunoda) in view of US 6,738,075 (Torres et al.) as applied to claim **1** further in view of US 6,930,709 (Creamer et al.).

See the rejection of claim **1** and note that what Tsunoda and Torres et al. teach has been discussed above. What neither teaches is an automatic naming convention in which the camera creates directories in accordance with DCF standard. However, Creamer et al. teaches a digital camera which is used to upload pictures to a webpage and which can automatically name pictures in accordance with a standard (Column 13 lines 9-13). Creamer et al. further teaches creating thumbnails for referencing the images and naming them with an automatic naming convention (Column 13 lines 58-66). As DCF is a standard naming and directory creation convention, Creamer et al. would have considered using DCF as the particular naming convention and directory creating standard which was to be used in the digital camera taught by Creamer et al.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the naming and directory creation method taught by Creamer et al. to the digital camera taught by Tsunoda in view of Torres et al. as this would allow for a predictable method for naming images and organizing them in a particular way which is advantageous because the user doesn't have to worry about whether they are using proper names.

5. Claim **8** is rejected under 35 U.S.C. 103(a) as being unpatentable over English translation of JP 2000-287110 (Tsunoda) in view of US 6,738,075 (Torres et al.) further in view of US 6,035,323 (Narayen et al.).

As to claim **8**, see the rejection of claim **1** and note that what Tsunoda and Torres et al. teach has been discussed above. What neither teaches is a unit which displays a

total size of an image file linked and a unit which after forming an HTML document, reduces the size of the original picked-up image linked in a uniformed manner. However, as discussed in the previous Office Action, Narayen et al. would have considered allowing the user to edit an album after it has been published and would also have considered showing the total file size of the album as the user may have to keep the album under a certain limit or may pay by the size of the album and therefore would like to know how large it is.

Narayen also teaches a unit which, after forming an HTML document, reduces the size of the original picked-up image in a uniformed manner to a desired size (Column 9 lines 46-47).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have shown the total size of image files linked and changed original images to a uniform size as this would allow for a user to know the size of a file to be transmitted and would also allow for uniformity in the size of images to be shown as part of a webpage.

6. Claim **10** is rejected under 35 U.S.C. 103(a) as being unpatentable over English translation of JP 2000-287110 (Tsunoda) in view of US 6,738,075 (Torres et al.) further in view of US 6,223,190 (Aihara et al.).

As to claim **10**, see the rejection of claim **1** and note that what Tsunoda and Torres et al. teach has been discussed above. What neither explicitly teaches is using a communication card to download templates from a predetermined home page on the

internet. However, Aihara et al. teaches a unit which downloads a template file in HTML format from a predetermine home page on the Internet (Column 9 lines 40-42), by using a communication card including a modem and an ISDN card (Column 13 lines 52-56); and a unit which registers the template file in HTML format that has been downloaded (this feature is inherent in Aihara et al. as the script has a name and is recorded in memory and is accessible using the controls of the digital camera).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made as this would allow templates to be downloaded from anywhere there is access to a phone line.

***Conclusion***

7. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 12/20/2006 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dillon Durnford-Geszvain whose telephone number is (571) 272-2829. The examiner can normally be reached on Monday through Friday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dillon Durnford-Geszvain 2/28/2007

NGOC-YEN VU
SUPERVISORY PATENT EXAMINER